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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,116	09/07/2000	Anthony Edward Martinez	AUS9-2000-0405-US1	1308

7590 06/05/2003
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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/657,116

Applicant(s)

MARTINEZ, ANTHONY EDWARD

Examiner

Thanh T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "the light". There is insufficient antecedent basis for this limitation in the claim. The examiner infers "the light" as "an area".

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lehikoimen et al. ("Lehikoimen", U.S. Pat. No. 6,559,872).

Per claim 1, Lehikoimen teaches a programmable apparatus for displaying secondary content, comprising: a computer (col. 2, lines 49-52); a software program for displaying a spotlight cursor having a circumference, and the computer being directed to display secondary content when said secondary content is covered by a point on said circumference (fig. 2; col. 3, lines 15-27; and col. 4, lines 5-20).

Per claim 2, Lehikoimen teaches the programmable apparatus of claim 1 wherein said circumference is visible as a solid line or a broken line or not visible (fig. 2; circle 100).

Per claim 3, Lehikoimen teaches the programmable apparatus of claim 1 wherein said secondary content is one of the following: gradual, all or zone (col. 4, lines 5-20).

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Per claim 4, Lehto teaches the programmable apparatus of claim 1 wherein the light within the circumference is of selectable and variable intensity (col. 4, lines 22-33).

Per Claim 5, Lehto teaches the programmable apparatus of claim 1 wherein the area inside the circumference is a pre-selectable color (fig. 2; it is inherent that the area inside the circle 100 has a color in order to provide user a visual indication of the cursor).

Per Claim 6, Lehto teaches a computer readable memory for causing a computer having a cursor to display secondary content comprising: a computer readable storage medium, and a program stored in said storage medium (col. 2, lines 40-53); the storage medium so configured by said program, causes the computer to display a spotlight cursor having a radius, a circumference, and a center located at the forward most point of the cursor wherein responsive to coincidence of coordinates on said circumference and said secondary content, said secondary content is displayed (fig. 2; col. 3, lines 15-27; and col. 4, lines 5-20; col. 3, lines 28-32).

Per claim 7, Lehto teaches a computer implemented process to accomplish display of secondary content upon activation by a spotlight cursor comprising: using a first program in the memory of a computer, performing the following steps; determining whether or not the user has selected the spotlight cursor (col. 4, lines 40-46); determining whether or not radius has been selected (col. 4, lines 22-33 and 50-55); obtaining the coordinates of the cursor and calculating the location of a circumference (col. 3, lines 15-25; col. 3, lines 32-40); determining whether the circumference has covered a secondary content and causing the secondary content to be displayed (col. 3, lines 32-40; col. 4, lines 5-20); using a second program in the memory of a computer, performing the following steps; displaying a menu (col. 4, lines 22-33); determining whether or not secondary contents are to be displayed, selecting the radius, and selecting

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intensity (col. 4, lines 5-20, and lines 22-33); selecting color for area inside the circumference, selecting color of the circumference, and selecting configuration of the circumference (fig. 2; col. 4, lines 22-32; it is inherent that the area inside the circle 100 and the perimeter of the circle 100 have a color in order to provide user a visual indication of the cursor); and determining the definition of secondary content (col. 4, lines 5-20).

Per claim 8, Lehikoimen teaches a method for creating a spotlight cursor for causing secondary content to be revealed comprising: obtaining the coordinates of the cursor and calculating the location of a circumference (col. 3, lines 15-25; col. 3, lines 32-40); determining whether the circumference has covered a secondary content and responsive to a determination that the circumference has covered a secondary content, causing a secondary content to be displayed (col. 3, lines 32-40; col. 4, line 5-20).

Per claim 9, Lehikoimen teaches the method of claim 8 further comprising the step of determining whether or not the user has selected the spotlight cursor (col. 4, lines 40-46).

Per claim 10, Lehikoimen teaches the method of claim 8 further comprising the step of determining whether or not the radius has been selected (col. 4, lines 50-55).

Claim 11 is rejected under the same rationale as claim 1.

Per claim 12, Lehikoimen teaches the method of claim 11 wherein the peripheral area is a circle (fig. 2; circle 100).

Per claim 13, Lehikoimen teaches the method of claim 11 wherein the intersection occurs on a graphical user interface (fig. 2; col. 3, lines 15-20).

Per claim 14, Lehikoimen teaches the method of claim 11 wherein the cursor is a pointer (fig. 3; col. 4, lines 34-40).

Per claim 15, Lehikoimen teaches the method of claim 11 wherein the secondary content is displayed without the cursor intersecting the item (fig. 3; col. 4, lines 34-40; col. 4, lines 5-20; col. 3, lines 28-32; the examiner infers that the cursor is the center of the selection circle).

Claim 16 is rejected under the same rationale as claim 1.

Claims 17-20 are rejected under the same rationale as claim 12-15 respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Glaser (U.S. Pat. No. 6,392,671) discloses a computer pointing device having theme identification means.

Strasnick et al. (U.S. Pat. No. 5,861,885) discloses method and apparatus for indicating selected object by spotlight.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T. Vu
May 27, 2003

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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